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AUTHORITY: 42 U.S.C. 6831–6832, 6834–6836; 42 U.S.C. 8253–54; 42 U.S.C. 7101, *et seq.*

SOURCE: 65 FR 60012, Oct. 6, 2000, unless otherwise noted.

§ 434.99 Explanation of numbering system for codes.

(a) For purposes of this part, a derivative of two different numbering systems will be used.

(1) For the purpose of designating a section, the system employed in the Code of Federal Regulations (CFR) will be employed. The number “434” which signifies part 434 in chapter II of Title 10, Code of Federal Regulations, is used as a prefix for all section headings. The suffix is a two or three digit section number. For example the lighting section of the standards is designated § 434.401.

(2) Within each section, a numbering system common to many national voluntary consensus standards is used. A decimal system is used to denote paragraphs and subparagraphs within a section. For example, in § 434.401, “401.2.1” refers to subsection 401, paragraph 2, subparagraph 1.

(b) The hybrid numbering system is used for two purposes:

(1) The use of the Code of Federal Regulations’ numbering system allows the researcher using the CFR easy access to the standards.

(2) The use of the second system allows the builder, designer, architect or engineer easy access because they are familiar to this system numbering. This system was chosen because of its commonality among the building industry.

Subpart A—Administration and Enforcement—General

§ 434.100 Purpose.

The provisions of this part provide minimum standards for energy efficiency for the design of new Federal commercial and multi-family high rise residential buildings, for which design

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for construction began before January 3, 2007. The performance standards are designed to achieve the maximum practicable improvements in energy efficiency and increases in the use of non-depletable sources of energy. This rule is based upon the ASHRAE/IESNA Standard 90.1-1989 and addenda b, c, d, e, f, g, and i. (This document is available from the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., 1791 Tullie Circle NE, Atlanta, GA.) It is not incorporated by reference in this document, but is mentioned for informational purposes only.

[71 FR 70283, Dec. 4, 2006]

§ 434.101 Scope.

101.1 This part provides design requirements for the building envelope, electrical distribution systems and equipment for electric power, lighting, heating, ventilating, air conditioning, service water heating and energy management. It applies to new Federal multi-family high rise residential buildings and new Federal commercial buildings, for which design for construction began before January 3, 2007.

101.1.1 (a) Except as provided by section 101.2, the provisions of this part apply if an agency is constructing:

(1) A building that has never been in service;

(2) An addition for which design for construction began before January 3, 2007, that adds new space with provision for a heating or cooling system, or both, or for a hot water system; or

(3) A substantial renovation of a building for which design for construction began before January 3, 2007, involving replacement of a heating or cooling system, or both, or hot water system, that is either in service or has been in service.

101.2 The provisions of this part do not apply to:

101.2.1 Buildings, or portions thereof separated from the remainder of the building, that have a peak energy usage for space conditioning, service water heating, and lighting of less than 3.5 Btu/(h·ft² of gross floor area.

101.2.2 Buildings of less than 100 square feet of gross floor area.

101.2.3 Heating, cooling, ventilating, or service hot water requirements for

those spaces where processes occur for purposes other than occupant comfort and sanitation, and which impose thermal loads in excess of 5% of the loads that would otherwise be required for occupant comfort and sanitation without the process;

101.2.4 Envelope requirements for those spaces where heating or cooling requirements are excepted in subsection 101.2.3 of this section.

101.2.5 Lighting for tasks not listed or encompassed by areas or activities listed in Tables 401.3.2b, 401.3.2c and 401.3.2d.

101.2.6 Buildings that are composed entirely of spaces listed in subsections 101.2.4 and 101.2.5.

101.2.7 Individual components of a building under renovation, if the building components are not in the scope of a renovation as defined by the agency.

[65 FR 60012, Oct. 6, 2000, as amended at 71 FR 70283, Dec. 4, 2006; 72 FR 72571, Dec. 21, 2007]

§ 434.102 Compliance.

102.1 A covered building must be designed and constructed consistent with the provisions of subpart D of this part.

102.2 Buildings designed and constructed to meet the alternative requirements of subparts E or F of this part shall be deemed to satisfy the requirements of this part. Such designs shall be certified by a registered architect or engineer stating that the estimated energy cost or energy use for the building as designed is no greater than the energy cost or energy use of a prototype building or reference building as determined pursuant to subparts E or F of this part.

§ 434.103 Referenced standards (RS).

103.1 The standards, technical handbooks, papers and regulations listed in § 434.701, shall be considered part of this part to the prescribed extent of such reference. Where differences occur between the provisions of this part and referenced standards, the provisions of this part shall apply. Whenever a reference is made in this part to an RS standard it refers to the standards listed in § 434.701.

§ 434.105 Materials and equipment.

105.1 Building materials and equipment shall be identified in designs in a